

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1709 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No
2. To be referred to the Reporter or not? No :
3. Whether Their Lordships wish to see the fair copy No :
of the judgement?
4. Whether this case involves a substantial question No :
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? No :

NAVINCHANDRA N TRIVEDI

Versus

GUJ STATE COOP MARKETING FEDERATION LTD

Appearance:

MR MB GANDHI for Petitioner
MR SIRAJ GORI for MR.PM RAVAL for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 17/12/1999

ORAL JUDGEMENT

1. Shri M.B.Gandhi for the petitioner and Shri Siraj
Gori, appearing for Shri P.M.Raval, for the respondent
No.1 have been heard.

2. No doubt this petition was admitted on 6.4.1988 and interim relief was also granted. Yet, at this stage it can be seen whether the writ petition is maintainable against the respondent. The respondent No.1 is the Gujarat State Co.Operative Marketing Federation Ltd., registered co.operative marketing society, whereas the respondents No.2 & 3 are the Chief Executive and Chairman of the aforesaid co.operative marketing society. Neither the respondent No.1 nor the respondents No.2 & 3 can be said to be State within the meaning of Article 12 of the Constitution of India. As such, the writ petition under Article 226 of the Constitution of India against the petitioner is not maintainable. Further, after going through the petition it appears that nothing survives by passage of time.

As such for these two reasons the petition is dismissed with no order as to costs.

sd/-

Date : December 17, 1999 (D. C. Srivastava, J.)

sas